

## EXHIBIT C

[emblem] **GENERAL FEDERAL PROSECUTOR**  
AT THE FEDERAL SUPREME COURT

TELEFAX

FAX NO.:  
040/42843-3555

[stamp]  
RECEIVED  
Jan. 21, 2004  
[illegible]

RECIPIENT:

To the  
Chairperson of the 3<sup>rd</sup> Judicial Panel  
of the Hanseatic State Supreme Court  
Mr. Chairman, Judge on the Hanseatic  
State Supreme Court Dr. Ruhle  
Sievekingplatz 2  
20355 Hamburg

Number of attached pages:	Contact person:	Tel. (0721)	Date
2	Hemberger, Federal Attorney with the Federal Court of Justice	81 91 - 228	Jan. 21, 2004

COMMENTS:

[signature]  
(Signature)  
(Hoffmann)  
Judicial secretary

**PLEASE SUBMIT IMMEDIATELY!**

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Brauereistrasse 30  
76137 Karlsruhe

Mailing address  
P.O. Box 27 20  
76014 Karlsruhe

E-mail address:  
poststelle@generalbundesanwalt.de

Telephone:  
(0721) 81 91 - 0

Fax:  
(0721) 81 91 - 590

[emblem] **GENERAL FEDERAL PROSECUTOR**  
**AT THE FEDERAL SUPREME COURT**

The Federal Attorney General • P.O. Box 27 20 • 76014 Karlsruhe

To the  
3<sup>rd</sup> Criminal Senate  
of the Hanseatic Court of Appeals  
Attn.: Presiding Justice of the  
Hanseatic Court of Appeals Dr. Riihle  
Sievekingplatz 2  
20355 Hamburg

Reference number	Contact person:	Tel. (0721)	Date
2 StE 5/03-5	Hemberger, Federal Attorney with the Federal Court of Justice	81 91 - 228	January 21, 2004

Re: Criminal proceeding  
against Abdelghani Mzoudi  
concerning accessory to murder, among other things

In the criminal matter against Abdelghani Mzoudi, I hereby move in accordance with § 229 par. 2 StPO [Code of Criminal Procedure] that the main proceeding be stayed for 30 days.

**STATEMENT OF GROUNDS:**

During the examination of a witness in a different investigative proceeding in which the Office of Federal Attorney had promised confidentiality, the witness stated that he also had information concerning the attack of September 11, 2001. The memorandum of the Federal Criminal Office dated January 15, 2004, which contains this information, was received by the Office of the Federal Attorney on January 16, 2004. Arrangements were immediately made for the examination of this witness concerning the knowledge of the attacks of September 11, 2001, to which he had alluded. This examination was conducted on January 19, 2004. The examination transcript was received by the Office of the Federal Attorney on January 20, 2004, and provided to the court on the same day by facsimile. It is now necessary to undertake an examination of the content of the witness testimony. This will take some time.

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The statutory requirements for a stay set forth in § 229 par. 2 StPO are met. Moreover, this will not result in any detriment to the accused, who is current not in custody.

A decision of the Senate outside of the main proceeding concerning this motion is not opposed.

Purely as a precaution I would point out that, if the Senate does not grant this motion, I will make an evidentiary motion for an examination of the witness and/or the examining official.

In representative capacity

[signature]  
(Hemberger)

[emblem] **GENERAL FEDERAL PROSECUTOR**  
AT THE FEDERAL SUPREME COURT

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of the Hanseatic Court of Appeals  
Attn.: Presiding Justice of the  
Hanseatic Court of Appeals Dr. Riihle  
Sievekingplatz 2  
20355 Hamburg

Number of attached pages:  
5

Contact person:  
Hemberger, Federal  
Attorney with the Federal  
Court of Justice

Tel. (0721)  
81 91 - 228

Date  
Jan. 21, 2004

COMMENTS:

[signature]  
(Signature)  
(Hoffmann)  
Judicial secretary

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**AT THE FEDERAL SUPREME COURT**

The Federal Attorney General • P.O. Box 27 20 • 76014 Karlsruhe

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of the Hanseatic Court of Appeals  
Attn.: Presiding Justice of the  
Hanseatic Court of Appeals Dr. Rihle  
Sievekingplatz 2  
20355 Hamburg

Reference number	Contact person:	Tel. (0721)	Date
2 StE 5/03-5	Hemberger, Federal Attorney with the Federal Court of Justice	81 91 - 228	January 21, 2004

Re: Criminal proceeding  
against Abdelghani Mzoudi  
concerning accessory to murder, among other things

Appendices: Fax message from the Federal Criminal Office dated January 20, 2004, along with  
appendix (translation e-mail)  
Delivery via e-mail

For your information please find the attached documents.

In representative capacity  
Hemberger

Certified

[signature]  
(Hoffmann)  
Judicial secretary

[seal]  
General Federal Prosecutor  
At the Federal Supreme Court

Building address  
Brauerstrasse 30  
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**FEDERAL CRIMINAL OFFICE**  
**53338 Meckenheim**

Our reference ST 34 - 067250/01	Fax no. 02225 89-45658	Tel. ext. 02225 89-22171	Place, date Meckenheim, 1/20/2003
FAX NUMBER		Number of pages (including cover page) 3	

To:

No./Operator/Time

0721/8191-290

Federal Attorney General with the Federal Court of Justice  
Attorney, Federal Attorney Hemberger

Investigative proceeding against Said BAHAJI, Ramzi OMAR alias BINALSHIBH and Zakariya  
ESSABAR concerning suspicion of membership in a terrorist association in concurrence with murder and  
attacks against the air force; ref. no. GBA 2 Bjs 67/01-5  
Here: Witness examination in Berlin on 1/19/2004

Attached please find the translation of the e-mail delivered as part of the aforementioned examination of  
the witness.

[signature]  
Wendt, KK

Translation from the Persian

Greetings to all of you

I have not sent you a letter for some time and I know that you are concerned, but there is no cause for alarm! Only because we went to Nadjaf. We pursued various items (matters). After the work with H. was ended, the work increased. Among other things, the recruiting of new friends and companies which consider our requests ...<sup>1</sup> and create connection to the 'Bait'.<sup>2</sup>

But as you mentioned at the last contact, the will to end the work is not there. I also see it very clearly, but I am near! But according to our agreement I will be there to the end.

Mama Hajee more important than anything, yesterday after the return of Haj Hasan from V. he was at Haj Mamets B's house. I went together with him and went from there to the headquarters (main) firm 4. Mr. Adel was there from his house and in our station clothing together there with the regular inhabitants of the house.

I understood that with this clothing (camouflage) on the end of the line outside and inside... Doubt about it should exist!

The most important thing of all was the gentleman who was released in G... and they say he would work with Zogalforsch<sup>3</sup> and his friend(s) and that they would make false (lying) contentions. Therefore they did not affect the construction/composition von T, SH, D there. They think that this is a big trap. And his flight will be important for him thereafter. Therefore von T, Z and SH, B. have prepared a couple of packages for him and presume that you for the continuation of his release...! In such case I would like to inquire about his well-being outside of that house... and that this gentleman is personally from the station of Mr. Adel and he (Adel) left his work to him. In case you think and believe it correct that the operation should be prevented, then do it. If no then you should mention it with my past claims (themes).

Other important items are some stations of D and B come back and will all be replaced by other persons. And most of the stations M go in southward direction SH, B. But this message is not complete.

Incidentally Hajee one of the stations would like to go to K. If you would like it to come in that direction then regulate the matter.

Once again I say you should watch out, you have really injured them, but currently R. have sent no one.

<sup>1</sup> He uses the word AJABAT, which does not exist in this manner, but it could mean either amazement or astonishment.

<sup>2</sup> Bait could mean house / domicile

<sup>3</sup> Zogal could mean Kohle (coal)



I pray for you and wait... for that... I express my thanks. May your vow be accepted. A, K... the side

Certifying the correctness of the translation.

Aiyleen Darden [signature]

[Persian-German] translator's note: The text is difficult to understand, because the author has used Latin characters for the Persian language. In addition, he writes conspiratorially. Some of the sentences are not complete.

Therefore several passages are incomprehensible. I have rendered a virtually literally translation.

[see source for Persian original text]

**LEISTIKOW**

Law Firm  
Sven Leistikow Burkhard Kotke

Leistikow Law Firm – Johann-Sigismund-Strasse 45 – 10711 Berlin  
Fax no.: 001-8432169680

Mr./Mrs./Company

Mr. Michael Elsner

Johann- Sigismund- Strasse 45  
10711 Berlin  
Phone: 030-886 727-10  
Fax: 030-886 727-20

**TELEFAX**

directly

Your reference	Your letter of	Our reference	Date
		22/03	January 21, 2004

Subject:  
[handwriting:] Mzoudi

Number of pages (incl. cover):  
The enclosed letter is sent to you for the purpose of  
☒ information  
☐ comment  
☐ reply  
☐ review/correction  
☐ forwarding  
☐ urgent!

Best regards,

[signature]  
Leistikow-Law Firm

[see original for banking and e-mail/website information]

Hanseatic State Supreme Court  
3<sup>rd</sup> Judicial Panel — The Chairman -

Hamburg, January 21, 2004  
Sievekingplatz 3  
20355 Hamburg  
Fax: (040) 42843 3555  
Phone: (040) 42843 3225

[stamp: received January 21, 2004]

2 BJs 85/01  
AK 5/03  
./. Mzoudi

Note:

BA [Federal Prosecutor] Hemberger advises by phone that he is about to file a request today for suspending the principal action in order to establish the credibility of the witness who was interrogated on January 19, 2004. In case the request is denied, he plans to file a motion on January 22, 2004 to review the evidence.

I summoned the interrogating officers by telephone as follows:

KK Neumann	for January 22, 2004	9:00 a.m. and
KK Wendt	for January 22, 2004	9:30 a.m.

The witnesses will be summoned by fax through the judicial office.

2. Note

Further telephone calls with BA Hemberger. He promised to send me Attachment 1 to the interrogation of January 19, 2004, which until now has not yet been faxed, plus translation.

I raised the question with Mr. Hemberger of the interrogation of the witness BA Jost mentioned on page 8 of the interrogation of January 19, 2004. After checking with Mr. Jost, Mr. Hemberger informed me that Mr. Jost would be able to appear for interrogation in the early afternoon of January 22, 2004. I then summoned, with the intervention of Mr. Hemberger,

BA Jost	for January 22, 2004	at 2:00 p.m.
---------	----------------------	--------------

A written summons is not necessary.

3. The hearing on January 23, 2004 is canceled. [handwriting illegible]

4. This notice and the fax of the GBA (General Federal Prosecutor) dated January 20, 2004 as well as the fax of the GBA dated January 21, 2004 were sent per fax to

- a) the defense attorneys
- b) the representatives of the intervening plaintiffs

5. BA Hemberger is aware of the summonses to the witnesses and the cancellation of the hearing on January 23, 2004. I will inform the press office.

[signature]

VRiOLG (Administrative Officer of the State Supreme Court) Dr. Riihle

**GENERAL FEDERAL PROSECUTOR  
AT THE FEDERAL SUPREME COURT**

**T F T . F F A X**

[stamp:] Received January 21, 2004

Fax no.:  
040-42843-3555

Recipient:

To the  
Chairperson of the 3<sup>rd</sup> Judicial Panel  
of the Hanseatic State Supreme Court  
Mr. Chairman, Judge on the Hanseatic  
State Supreme Court Dr. Ruble  
Sievekingplatz 2

20355 Hamburg

Number of attached  
pages: 20

Contact person                      Telephone (0721)  
BA b. BGH Hemberger 81 91-228  
[Federal Prosecutor at the Federal Supreme Court]

Date  
January 20, 2004

COMMENTS:

[signature]  
(Hoffmann)  
Principal Judicial Secretary

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The General Federal Prosecutor – P.O. Box 27 20 – 76014 Karlsruhe

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of the Hanseatic State Supreme Court  
Mr. Chairman, Judge on the Hanseatic  
State Supreme Court Dr. RUhle  
Sievekingplatz 2

20355 Hamburg

File reference	Contact person	Telephone (0721)	Date
2 StE 5/03-5 (please refer to it in your reply)	BA b. BGH Hemberger	81 91-228	January 20, 2004

Subject: Criminal proceedings against  
Abdelghani Mzoudi  
for aiding and abetting murder, et al.

Attachments: Note of the German Federal Bureau of Investigation dated January 15, 2004 with  
attachment  
Protocol of the interrogation of the witness on January 18, 2004 with attachment  
- both in the form of copies –

I am sending you the enclosed documents for your information.

by order  
Hemberger

certified

[signature]  
(Hoffmann)  
Principal Judicial Secretary [stamp of the General Federal Prosecutor's Office]

German Federal Bureau of Investigation

currently Berlin, January 15, 2004

Memo:

here: Interrogation of a witness who has been promised confidentiality by the Federal Prosecutor's Office

On the occasion of the interrogation of a witness, who had been promised confidentiality by the Federal Prosecutor's Office in Karlsruhe, in the above investigation the witness had the following to say when questioned whether he had any information about the terror attacks of September 11, 2001:

He stated that he had provided information to the U.S. journalist Timmermann. This information was reprinted in part in the June 12, 2003 issue of "Insight Magazine". The full text could be found on the Internet. He himself had a two-page version of that article.

Note:

The witness gave me 2 pages in English with the title:

"Defector Says Iran Played Role in 9/11".

A copy was made of this document which is attached to the memo.

When questioned he stated:

The attack of 9/11/01 in New York had been planned in Afghanistan, i.e. the leadership of AL QAEDA had made the decision there to have airplanes fly into the Twin Towers. The attack was coordinated from Syria. The implementation began in Hamburg.

When questioned further what he meant by implementation, the witness stated:

"After the final order had been given to the man responsible for the operation, Saif AL ADEL, by the confidante of the leadership of AL QAEDA, Mohammad ATTA started the preparation and implementation of the operation in Hamburg upon instructions from Saif AL ADEL."

He had received this information from his then boss HADDADIAN, at that time deputy of FALLAHIJAN and of HEJAZI (responsible for the ND of the leader KHAMENEI). HADDADIAN was a confidante of KHAMENEI and RAFSANJANI and was in charge of all ND units in Iran.

Moreover, two meetings took place in 2001 between AL QAEDA and the "Iranian Terror Organization" (organization responsible for terror attacks). The son of Usama BIN LADEN, Saad, and Ayman al ZAWAHIRI, among others, participated in the first meeting. Ayman al ZAWAHIRI did not participate in the second meeting.

The first meeting was a meeting to get to know each other. At the second meeting, which took place about 4 months before September 11, 2001, the above information came up for discussion.

When questioned whether he knew the names EL MOTASADEQ and MZOUZI the witness said that the two names were not known to him from Iran. However, he had received an e-mail about 4 weeks ago from a source close to the Ghode forces (Note: part of the Sepah-Pasdaran) in which he was told that the person who had been arrested in Germany in connection with the attacks of September 11, 2001 and had now been released, had contacts to AL QAEDA. This person was to be eliminated as AL QAEDA feared that he would work for the German authorities and might therefore give away important information.

Note:

I refrained from any further questioning as I have no knowledge of the details of this matter.

However, the witness declared himself willing to undergo a more in-depth interrogation if his safety could be guaranteed.

The interrogation of the witness took place in Farsi. The interpreter was A. Zamankhan, Eng., residing in Berlin.

[signature]

(van Treck) EKHK



[page in English]

[page in English]

**GERMAN FEDERAL BUREAU OF INVESTIGATIONS (BKA)**

Journal no.  
ST 34-067250/01

Place/date  
currently Berlin  
January 19, 2004

File reference of [illegible] \GBA 2 BJ's 67/01-5

<b>Witness examination</b>	Start of the interrogation 9:00 a.m.	End of the interrogation 3:35 p.m.
----------------------------	---	---------------------------------------

[illegible]  
Appeared after prior consultation at the BKA Berlin, Treptower Park

1 Information about the person

1.1 [illegible]

The witness was promised confidentiality by the Federal Prosecutor's Office

The personal data are known to the Federal Prosecutor's Office

Last name(s) Other first names

1.2 Born on in (place, district, state)

1.3 [illegible]

[illegible]

[illegible]

1.4 Nationality (also previous, if applicable).

[illegible]

2. Instructions on legal remedies [illegible]

2.1 Right of refusal to bear witness

To the accused (last name, first name)	I am	engaged	married
Said BAHAJI, Ramzi BINALSHIBN		Yes, since	Yes, since
alias OMAR, Zakariya ESSABAR		[x] No	[x] No

was married	related	in-law relationship	related by adoption
[ ] Yes [x] No	[ ] Yes [x] No	[ ] Yes [x] No	[ ] Yes [x] No

\*) additional information (e.g. son of the accused)

and I was instructed before my interrogation of the right to refuse to bear witness

2.2 Right to refuse to provide information [illegible]

I was instructed before my interrogation that I may refuse to provide information on questions that might expose me or a person mentioned in § 52 stop (Criminal Code) to the risk of being prosecuted for a crime or misdemeanor.

2.3 Notice

I have been made aware that witnesses who knowingly tell a lie during the investigation in order to guarantee the accused the advantages of the illegal act or to save the accused from criminal prosecution run the risk of being fined for aiding and abetting a crime (§ 267 StGB[Criminal Code]) or for preventing prosecution of a crime (§ 298 StGB).

I understand and [illegible] the instructions /the notice.

I wish to

[x] bear witness [ ] not to bear witness.

Date  
January 19, 2004

(signature)  
signature of the witness

3 Statements about the matter

**Witness examination**

Journal no.

Before the beginning of the interrogation the interpreter in attendance, Mr. ZAMANKHAN, explains to you that are to be heard as a witness in the investigation against Said BAHAJI, Ramzi OMAR aka BINALSHIBH and Zakariya ESSABAR, accused of being members in a terrorist organization, for murder and attacks on air traffic. The investigation is chaired by the General Federal Prosecutor who has ordered the BKA, National Protection Section, to carry out the investigations.

As a witness you are obligated to tell the truth. You may refuse to answer questions that would expose you or a relative to the risk of being prosecuted for a crime or misdemeanor.

You have received instructions in the sense that you may not make false allegations against another person by giving knowingly false testimony, prevent the punishment of another person or aid and abet another person.

Did you understand the instructions and do you wish to accept?

Answer:

Yes, I understand. However, I will not make any statements with regard to the names mentioned to me. First, because this would be a matter that could drag on for days, and secondly, I wish to testify only about the person involved in the current trial, and whose name is MZOU DI. I will also testify about the connections between Iran and AL QAEDA.

I also would like to state that I do not wish my personal data to become public knowledge and therefore I am asking for guaranteed confidentiality. You may address me as "Tony" in the course of the interrogation. Ask the questions and I will answer, however, without committing myself in any way regarding a possible court appearance.

*Note:*

*At this stage, at 9:15 a.m., Dr. KRAUS of the Federal Prosecutor's Office in Karlsruhe is consulted by telephone, who verbally gives a preliminary guarantee of confidentiality; the written guarantee will be submitted soonest possible.*

About the Person:

Question:

Could you tell us something about yourself? We are particularly interested in your professional career.

Answer:

I worked in the Iranian intelligence service, in the "Security and Information" department. The Iranian intelligence service is called "Ministry for Information and Security of the Islamic Republic of Iran", also known as VEVAK or MOIS. I worked there from 1984 to 2001, first, until 1985, in training in Iran. Subsequently I worked until 1994 in the foreign espionage department, then in the area of security and information at headquarters in Teheran.

My responsibilities in the area of foreign espionage were centered on Europe and America, I was in charge mainly of the North American area. I was director of the ND station in Canada.

Question:

Your advance to a leadership position was therefore very rapid, or was that normal?

Answer:

**Witness examination**

Journal no.

I was director of the station starting in 1998; if you look at it that way, it was rapid, that's correct.

Question:

Were there thus special areas or matters that you took care of? As for example is the case in police work, some investigate radicals of the right, others investigate radicals of the left etc.

Answer:

No, I took care of everything; I coordinated inquiries from Iran, I had control of what was demanded, which then came back to me via the channels available to us. It made no difference from which areas the inquiries came.

Question:

Did you live in Canada at the time?

Answer:

Yes.

Question:

Did you live there under your correct name or under an alias?

Answer:

Lets' just say that both the people at the BND (German Federal Intelligence Service) and the CIA know me.

Question:

Whom at the BND do you know?

Answer:

They are all cover names anyway.

Question:

You therefore lived under an alias?

Answer:

No, in Canada I always lived under my correct name. If you ask me about the town, I can tell you that I lived in the capital.

We can get through this here faster, you have my permission to get the information from the BND, it's all on file there.

Question:

But after 1994 you worked at headquarters. What did you do there?

Answer:

When I was back in Iran, about 6 months later, I was appointed office manager of the General Directorate in Department 12 — that's the department for security and information. I worked there until the fall of 1998. At that time a new intelligence service organization was established under the revolutionary leader. I was called upon to work there. The regular VEVAK people had no idea of this organization, only the people in the leadership. From the Iranian viewpoint it is question of an official institution even though it is not official. At any rate, it has substantially more power than the official organizations. [initials]

Upon the question:

**Witness examination**

Journal no.

Page 4

The organization is called "The News Organization of the Leader" and there isn't any abbreviation for it. I can't say much as to its work or its structure; that would take up too much space. The organization is conducted as a council that consists of five people: Khomeini, then Rafsandschani, also Yazdi, Meshkini, and at the time Shahroudi. I don't know how familiar these people are to you. In any case, this council leads the organization, but it also more or less determines the country's politics.

It would really be going off track to give information about its structure, but it has three departments: the department for the implementation of political plans and programs, in other words a domestic department; Reyehehri, who was the first VEVAK minister in Iran, is the head of it. The second department is for security and information and the third department is the espionage department, which also includes foreign espionage.

But if we continue in that vein, we'll get away from the subject at hand.

Question:

Could you please also tell us which department you worked in?

Answer:

I was in the second department, which is also referred to as "Department 110.

Question:

And what precisely was your job there?

Answer:

Since joining the new organization, I was also still performing my function in VEVAK. So I actually had two jobs.

My boss in VEVAK, in other words the general director of Department 12, was the head of Department 110 in the new organization and I followed my boss. But he kept his position in VEVAK as well, and therefore it went the same way for me.

To explain it further: the founding of this parallel MD organization was for various reasons. First of all, to detect any submarines and also to create an appropriate position in the new organization for people one was able to trust 100%. So, the intent was to create a water-tight news organization so that we wouldn't need any ministries such as VEVAK or MOIS, but rather just this news service.

My job in the new organization was, for example, was interrogations, including of ministers from VEVAK. I also helped to filter out which VEVAK employees finally did come into the new organization. My specialized field was interrogations of spies and VEVAK employees who were accused of something. Currently, you can see from the press that people in Iran were not admitted to the presidential elections; the reviews that could lead to such non-admission, for example, were b [handwritten:] the job of [initials] Department 110.

Question:

And in this function, were you also in a leadership position again? How close were you to the leadership of the organization?

Answer:

My connection to my boss, in other words the head of Department 110, was a constant; I always accompanied him, acted as his advisor, etc. [initials]

Question:

And what was the name of your boss?

**Witness examination**

Journal no.

Page 5

Answer:

He has many names, but he was in the organization under the name Haddadian.

*Note: At this point, the interview is interrupted from 10:10 to 10:20. The witness is allowed to smoke a cigarette and drink some coffee.*

**To the point:**

Question:

In an interview with officials from the Federal Criminal Police [BKA] and the Federal Prosecutor's Office [Bundesanwaltschaft], you said that you have information regarding the attacks in the U.S. on September 11, 2001. Which information is this precisely?

Answer:

First, I ought to explain that before the new organization was founded there was already a Department 43, which dealt with international terrorism. This department was not part of VEVAK and reported directly to the top of the Iranian government. [illegible handwritten note] This department was later incorporated into the new organization, specifically into Department 110, where I worked.

This Department 43, which is still responsible for international terrorism today, is run by a man named Mostafa POURGHANNAD, who was also the head of the department before. I have a picture of him here.

Note: The officials were not allowed to make a copy.

The man is a cleric, but you wouldn't know it to look at him; he doesn't wear the clothes. Department 43 is directly connected to the Lebanese Hezbollah. The contact man is the Lebanese Imad FAYZ MOUQNIEH; the international organizations know him as Imad MOUQNIEH. This is supposedly a term. The date of birth I have for him I saw on a Lebanese identification card — it was September 18, 1962.

Question:

So that we can better understand you: Department 43 fights international terrorism, or does it support it?

Answer:

The Department is responsible for carrying out terrorist attacks.

Question:

Is this only in connection with Hezbollah, or in general?

Answer:

Department 43 acts globally. And so that we don't have any misunderstandings, when I say "contact to the Lebanese Hezbollah," I do not mean the political arm of Hezbollah, but rather the part that is involved in terrorist activity.

But continuing with the story: MOUQNIEH, who I have just mentioned, has been a friend and employee of the Egyptian Islamic Jihad since 1984. Its leaders were AL ZAWAHIRY and Mohamed ATEF. Both of these men have been representatives of Bin Laden in AL QAEDA since 1992.

By virtue of the fact that MOUQNIEH was therefore connected with these two and also with Iran, there has been an indirect link between AL QAEDA and Iran since 1984. [initials]

**Witness examination**

Journal no.

Page 6

Question:

Where did MOUQNIEH live? In Iran or in Lebanon?

Answer:

Although he is Lebanese, he avoids Lebanon, as far as I know. One of his wives is Iranian and the two of them also have a house in Ghom in Iran.

In 1996, the first joint operation between AL QAEDA and Department 43 was conducted. The contacts continued between the two people I just mentioned since 1992. The operation, which served the goals of both sides, was in Saudi Arabia against a U.S. military base in DAHRAN. It was a bombing attack on a military base. The planner was MOUQNIEH and a worker named Hani AL SADEQ carried it out.

Question:

What was the result of the attack?

Answer:

There were numerous dead and injured. Many Americans died.

With this first joint action, a long-standing cooperation between Department 43 and AL QAEDA was initiated. Therefore, towards the end of 1996, a delegation from AL QAEDA led by Saif AL ADEL came to Iran. The purpose of the delegation was not to meet with just any people, but rather they were supposed to have a base in the region of the border between Iran and Afghanistan made available to them. In other words, a base in the sense that you can run operations from it, train there, or similar things.

Question:

So who made this base available?

Answer:

Department 43. The official word at the time was that the base was made available to Hezbollah, but in the person of MOUQNIEH, who then brought AL QAEDA into the picture. The Iranian government was aware of its actual use.

Since then, this cooperation has existed between the Iranian side and AL QAEDA. The purpose of the cooperation was joint action against two primary enemies, Israel and the U.S. AL QAEDA was therefore supported by Iran and Saudi Arabia. On the Iranian side, the support came through Imad MOUQNIEH. Saudi Arabia sent its support by way of Iran. The entire connections and the development are naturally far more extensive and more complicated, but that would take too long, so I'm just explaining it in brief. Saif AL ADEL, who I have mentioned already, lived in Iran for his part, and he was responsible for all actions by AL QAEDA; in other words, for the operation on September 11, 2001 as well. He was the first representative of the Ayman AL ZAWAHIRY.

The claims made by the Americans that Khalid Sheikh MOHAMMED was responsible are therefore untrue.

Reproach:

You already know that that's a bold statement, don't you?

Answer:

No, I can prove it. Sheikh MOHAMMED may have been responsible in some part, but the actual person responsible was Saif AL ADEL.

Only a brief note: Saif AL ADEL came to Iran in 1996 because he knew that the high point of AL QAEDA actions was coming and therefore for [initials]



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reasons of security had to settle in Iran. He did this very early, rather with "wise forethought."  
At this point, I would like to clarify that these connections between AL QAEDA and the Iranian state were kept very secret and it was not shouted from the rooftops. Only a handful of people knew about this.

Question:

And why were you one of these people?

Answer:

I didn't know about it either. I had suspicions, but in January 2001, while Ayman AL ZAWHIRY was in Iran with a large delegation and met with the leaders of Department 43, I was the head of security.

Therefore I found out about the connections concretely and my suspicions then became certainty.

My boss, as the head of Department 110, which belonged to Department 43, was a member of the Iranian delegation that met with AL ZAWHIRY. Until the day of the meeting, I knew only the place and was entrusted with the security – I did not find out until the date of the meeting what kind of a meeting it would be. I was not present at the meeting itself. My job was only to secure the area at the front and to guarantee security during the meeting, which lasted for four days. My information with regard to the conversations that were taking place I have from my boss, who was there.

There were no documents for the meeting, and my boss didn't just blow the whistle either.

At the meeting, a large operation by AL QAEDA was brought up and my boss, as the leader of Department 110, had to deliver something to the leader of Department 43 and ~~that~~ was accomplished thfo g m.

[handwritten:] I saw this piece of writing in the course of my work. [initials]

Department 43 has various operation teams in foreign countries who can be used for operations at the right time. In view of the large operation planned by AL QAEDA, these teams were essentially supposed to be placed in readiness. My boss was sending a message to the head of Department 43 to this effect. This message was sent thfo gh m [handwritten:] see note above [initials]

Reproach:

But that still doesn't explain how you know the entire connections from the past that you just told us about. For example, even the earlier cooperation in the attack on the American military base and other details.

Answer:

Even if I wasn't at the meeting, I saw Ayman AL ZAWAHIRY there. Also Saad BIN LADEN, who I didn't know yet at the time, and Saif AL ADEL were there as well. After this second meeting, another letter was prepared, which I have here as well. It is a color copy of the letter; the CIA got the original through the French service. The letter is dated June 3, 2001 and is classified even more strongly than "top secret." It was written by the leader of Department 110 to the leader of Department 43. Its contents are that, according to instructions from the leader, i.e., KHAMEINI, dated May 14, 2001, the operation teams are to be placed in high alert by September 1, 2001 at the latest because something would happen in the near future that would incite a reaction from the U.S. government. That therefore, so that extensive operations could be carried out in the occupied Palestinian territories if necessary; it is self-evident that, in such a case, situations could arise in the Middle East that could affect operations. [initials]

Question:

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Can we have a copy of this letter?

Answer:

No. I am only showing it to you so that you know that there are also written documents on this. But the German offices, namely the German Intelligence Service [BND] and I think the Chancellor's Office as well, have seen the original. But there aren't any copies there either. All of my original documents are with the French officials. From there, some of them were sent on to the Americans.

Question:

Under what conditions would you be prepared to let us have a copy of the letter?

Answer:

There are no conditions for it. I am in contact with Mr. JOST from the Federal Prosecutor's Office [Bundesanwaltschaft] that may lead to a certain result. I can only say: if a point is reached at which it is necessary that such documents or my statements be needed in proceedings, then the conditions of our future cooperation must be discussed. I am not ruling out making copies at that time, but at the moment it won't work.

Question:

One more time: From where do you have the information that you described previously? Something like the attack in Saudi Arabia, the earlier cooperation between Iran and AL QAEDA. Those things can't be found in the letter.

Answer:

I simply know that from other sources. I would rather not go into greater detail about this though. However, I can say that I learned a lot from my boss in conversations after this meeting in the course of my work.

But I would like to tell you something else about me personally. I was the one who, in the course of an operation in Iran, captured the Swedish ambassador and won him over to working for Iran. In Sweden there was also a confrontation about two months ago in which these facts were confirmed. You can check up on this easily through the Swedish service. Only if you have any doubts about me and who I am.

But now to come back to the information about September 11, 2001:

I did not arrive at the conclusions I mentioned previously until the end. After this meeting and the letter, I was informed of many things by my boss and I was able to connect many of the things that I had observed with things I now knew.

Question:

And after the second meeting, did things continue? Were there other meetings up to September 11, 2001 or other things that would be relevant in this matter?

Answer:

No. After the first meeting in January, twelve of the participants from AL QAEDA stayed in Iran. At the second meeting, only the son of BIN LADEN, Saad, remained after the meeting, for another three weeks. As I understood my boss, Saad BIN LADEN came as the representative of his father and the future leader of AL QAEDA in order to prepare a safe place of retreat for himself and the future AL QAEDA leadership.

[initials]

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Saad is currently living in Iran. Not only are the Americans alleging this, but others are as well. However, I was the one who first went to the public with this information. As far as AL ZAWAHIRY in concerned, I can't say anything as to his current location, but according to the information that I have received, he was in Iran as well until about three months ago.  
Saif AL ADEL is in Iran as well.

Question:

How did things go for you personally after the second meeting in May? Did you arrange for anything?

Answer:

To answer this question, I need to go back into the past a little. In 1992, I already had gotten into contact with the CIA, quite officially. At that time there was a meeting between the two services, meaning the CIA and our intelligence service, and I participated in it. The meeting in general was about a cooperation. Since then I am in contact with the CIA. After everything that I previously described and also because of other information I received, I had the certainty that something would happen on September 10, 2001. In order to inform the Americans of this so that they could take measures to prevent this, I left Iran, or defected, in order to meet with my contacts. I went on vacation and then left Iran illegally on July 26, 2001. On this day, I arrived in Baku, Azerbaijan and went to the American embassy.

To put it precisely, in Baku, I went to the American embassy in the after noon and spoke with a woman who was the representative of the CIA there. She needed confirmation from the CIA regarding my person, which did not arrive until 6 p.m. local time because of the time difference. Then I went into a safe house they brought me to with the woman and the American ambassador. ON the same evening, I wrote a five-page report in which I stated why I was there. In it I wrote that something would happen on September 10, 2001. I insisted that this be taken as an official statement from me. I didn't give any details, only that something would happen on September 10, 2001.

Question:

Do you have a copy of this report?

Answer:

No, only the Americans and the Azerbaijani Intelligence Minister at the time, Namik ABBASOW, have a copy. In the case of the latter, I am assuming he does.

The fact that I gave the CIA this report has also already been confirmed to the French authorities by the Azerbaijani authorities.

I also told the Americans that the agreement between me and the CIA entered into in 1992 should be honored. According to the agreement, I was supposed to receive US\$ 150,000 for each year of the cooperation. However, up to that point I had not received any money. I told them then that they should transfer the 1.2 million dollars, which was the total for the last eight years up to that point, to my account. They agreed to do so, but demanded that I return to Iran because of my high position there, which I categorically refused. They wanted me to do this because of the high position I held there.

Because I refused to return, the Americans did not believe what I told them. We could not come to an agreement, also because my American contact up to now was not there. So I left the safe house and went to the French embassy. I thought that my information would most be likely still be important to the French. The French knew me already as well because I was in Paris in 1999 with Khatami. [initials]

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Question:

So your motive for passing the information to the Americans was actually money, and you didn't get any, right?

Answer:

No, my motive was that I had found out that something terrible would happen. I wanted to prevent that. On the other hand, I had the feeling that I was on the termination list at the Iranian intelligence service — don't ask me why, I just had that feeling. It also had to do with an ominous assignment that I had been given. I was supposed to take a vacation in Beirut. And that just smelled funny. I simply had the feeling that they wanted to liquidate me.

Question:

How did you arrive at the date September 10, 2001? Were there things pointing to this date?

Answer:

That was it. In a conversation with my boss at the time, I asked what was really going on. I also asked concretely what was going to happen. He then said, "Just wait till June 20" [actual German is 6/20, so it probably refers to the O<sup>b</sup> Islamic month] — but according to Iranian dates. In my report for the Americans, I gave June 20 in Iranian terms. Because of the time difference, the thing with September 10, 2001 could be an equivalent date. My boss said "June 6" and that means de facto September 11, 2001.

At this point, I would like to state the following for the record: The Americans do not want to admit that they have this report from me because it naturally would not be especially good for their reputation. They did not take me seriously, even though I named the exact date. Now the Americans want to talk to me, and I will be meeting with them again soon. The Americans say, "Let's forget the past, we would rather look into the future." But I want to prove that I was telling the truth and not talking nonsense.

Question:

When did this conversation with your boss take place?

Answer:

The conversation took place in Teheran. I think it was on July 16 or 17, 2001.

Question:

If you had the feeling that you were on the termination list of the Iranian intelligence service, why did your boss then tell you something so explosive?

Answer:

Well, the idea that I was on the termination list, that was just a feeling I had. My boss must not have known this because if my feeling was correct, then a rival faction in the intelligence service was responsible for the threat to my person. It would take too long to explain this any further. It could also be that my assumption was incorrect. My boss also didn't tell me much in answer to my question, only that I should wait until 6/20/0 [handwritten:] 1380 according to Iranian calendar [illegible] and then I would know it.

Question:

You also described your information to the American journalist Timmerman. He published a report about it in "Insight Magazine." What was your reason for giving this interview? [initials]

Answer:

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I wanted to give voice to the fact that the Americans did not take my warnings seriously. They tried to discredit me. After the interview, the CIA contacted me again and wanted to talk. A sign that this was the right way. But even in these conversations, the CIA only wanted me to confirm that I had never given the CIA any such information.

Question:

Where were you when you gave this — telephone — interview?

Answer:

I spoke on the telephone with Timmerman from Germany, more precisely from Munich. Reza PAHLAVI, the son of the former Shah of Iran, set up the contact. I had already appeared in die [handwritten: Persian] media [handwritten: outside of Iran] [illegible], so that is why he knew of me.

Question:

The personal information that you gave in the interview, was that your actual information, or was it an assumed name?

Answer:

That was an assumed name, Hamid Reza ZAKERI, by which I am known in the intelligence world.

Question:

Aren't you afraid that, by appearing in public with this assumed name, you will place yourself in danger of being discovered? There are some people who won't like what you're saying, right? Especially since you were already worried that the Iranian intelligence service wanted to liquidate you.

Answer:

The danger to my person began when I defected; it is not made any greater by the fact that I have now gone to the press. In this manner, I am trying to serve my country because these people who are responsible for all this have brought damage to my country.

In order to make myself quite clear, my motive is to serve my country! I don't want any money, but rather I want to be compensated enough for what I do only to the extent that I can make a living.

*Note: At this point, the witness would like a break in the interview, and then to continue the interview with regard to the person Abdelghani MZOULD. The break in the interview lasted from 1:10 p.m. to 2:15 p.m. The witness eats lunch.*

Question:

You said previously that you wanted to continue the interview in the matter for which you have actually come. This relates to the person who is currently on trial in Hamburg. Did you know this person by the alias Abdelghani MZOULD, which has already been mentioned to you?

Answer:

I did not know this name, and I also didn't know that this person was in any [illegible] connected to the September 11, 2001 attacks. [initials]

My information on this person comes from Imad MOUQNIH. He told me three years ago that Saif AL ADEL is the person primarily responsible for AL QAEDA operations. I don't know if this is still the case today. This Saif AL ADEL has one representative in [initials]



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and another in Dusseldorf. These two are responsible for Europe. I don't know the names of the two representatives. Both of them have operation forces under their authority that come from about 20 different countries.

On the basis of contacts that I still have in the inner system in Iran, I know that Mohamed ATTA was the one who was primarily responsible to Saif AL ADEL for the operation on September 11, 2001, in other words, for carrying out the operation. Mohamed ATTA also met with the contact man in Dusseldorf just before the attacks.

The plans for September 11, 2001 have existed since 1998.

On December 17, 2003 I received a letter from Iran from a source who is in the right place to find such a thing out. I have given you a copy of this letter (*Appendix I of the interview*). This letter states that the source's assessment is as follows:

The person who is currently on trial in Germany and was briefly set free was only set free according to the estimation of AL QAEDA people, namely Saif AL ADEL, because the Americans were going to follow his tracks; especially so that all the forces around him would not be caught. Because they feared this possibility, AL QAEDA wanted to have this person eliminated.

It is also generally known that the persons who had their trials in Germany were all in association with Mohamed ATTA.

Question:

Do you know anything else about MZOU DI?

Answer:

According to my information, this person had a role in the logistics of the operation on September 11, 2001. His work was centered on drafting and distribution of information to contact people because he was good with codes.

Question:

Is that all in the letter?

Answer:

No, it's not in the letter. According to my information, this person also stayed in Iran for three months. I don't know when, or for what reason. I can only say that he had contact with Saif AL ADEL. The letter says that, because this person was one of Saif AL ADEL's people, the neutralization of this person was Saif AL ADEL's responsibility.

I found out about how the organizational structure of Saif AL ADEL in Europe looks from Imad MOUQNIEH in Iran. The other things I found out here.

Question:

Where did you get your other information about this person, if not from this letter?

Answer:

I have also received other reports, not only by mail, but also over the telephone, etc. My source in Iran is placed right at the top of the intelligence. And the source was in attendance at a corresponding meeting with Self AL ADEL. But I won't say his name yet. [initials]

Question:

So where does the concrete information come from that MZOU DI was connected to the logistics of the September 11, 2001 operation? [initials]

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Answer:

The information is from the person who I have just described.

Question:

And where did this person get this information?

Answer:

That information is from Saif AL ADEL and from Mohamed Bagher ZOLGHADR. I would prefer not to go into detail here, but both of them gave the source this information. [initials]

Question:

And the letter, did that come from the same source?

Answer:

Yes.

Question:

So all the information that you have with regard to Abdelghani MZOU DI ultimately comes from the same source? Or do you have others?

Answer:

No, they all come from the same source.

Question:

What else can you say about MZOU DI?

Answer:

Nothing else.

Question:

So for what reason did the source in Iran send you this information?

Answer:

Because he likes it that way. [initials]

Question:

Does your source know that you are passing on this information?

Answer:

We are planning something together, so yes, he knows.

Question:

Can you give us any other information about Mohamed ATTA's group in Hamburg?

Answer:

I can only say something about one person, a certain JARRAH. He was one of the pilots in the operation and I saw him once in 1997 together with MOUQNIEH in Iran. If you ask me where, I saw him on one of Hezbollah's training bases northeast of Teheran, in Lashgarak, Iran. The camp was made available to Hezbollah and was under the leadership of Imad MOUQNIEH. [initials]

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Question:

From where do you know that JARRAH was the person you saw?

Answer:

I did not know the person at that time. But when pictures were presented to me in France I said that I had seen the person in the picture in Iran. They then told me who it was. Before that I did not know his name.

Question:

And you cannot say anything concerning the rest of the group surrounding Muhammad ATTA, i.e., for example, Ramzi BINALSHIBH or the other accused?

Answer:

No, I cannot say anything concerning those persons.

Question:

You have said that the plan for the attacks of 9/11/2001 were developed in Afghanistan in 1998. Do you know how the recruiting of the people from Hamburg occurred?

Answer:

These persons were not recruited in that sense; instead there were already contacts with HIZBULLAH and AL QAEDA. Thus they were selected. I do not know the exact reasons for the selection; generally speaking they were selected on the basis of their personality characteristics. But these people were definitely not in Hamburg by chance, but rather they had been sent to Hamburg by AL QAEDA. As far as I know, they were already positioned in various countries in 1998 without concrete projects having been planned. Based on the concrete project thought was given to which team was suitable to perform specific functions.

[initials]

Questions:

Where did you obtain this information?

Answer:

I learned this information from employees of the Iranian security apparatus.

At this point I would like to state that my information today has already gone further than I had agreed to last week during my examination by the Federal Criminal Office official. I think we should leave it with the previous information for the time being. You should verify the information which I have given you and if you want additional information from me we will have to find a way via the Office of the Federal Attorney - I have stated my conditions and it will be necessary to talk about that again. But I have said enough for today.

Question:

Can you make any further statements at all concerning the persons involved in 9/11/2001?

Answer:

I could certainly at least obtain additional information if I were to pose concrete questions.

[initials]



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Closed 3:36:

Translated, read aloud, approved and signed

[signature]  
Neumann, KK

[signature]  
1 / 19/2004

[signature]  
[illegible], KK

[signature]  
Certifying the correctness of the translation  
ZAMANKHAN

Translation office  
A. Zamankhan, Dipl.-Ing. [grad. engineer]  
[illegible address and telephone information]

[handwritten]

Addendum: The witness continues to state that he would not like his statements - including future statements - to be forwarded to any agencies other than German or French agencies.

[signature]

[signature]  
1/19/2004